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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION III
841 CHESTNUT STREET
PHILADELPHIA, PENNSYLVANIA 19107
(215) 566-2497
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February 2, 2000

VIA FACSIMILE and OVERNIGHT MAIL

Warren K. Rich, Esq.
Rich and Henderson, P.C.
Attorneys at Law
844 West Street
P.O.Box 589
Annapolis, Maryland 21404-0589

RE: 68th Street Dump Site

Dear Mr. Rich:

This letter is in response to your correspondence of February 2, 2000. The Agency is preparing an official statement regarding the NPL listing of the above referenced Site that will be issued in the near term. As previously indicated, the Agency received several comments on the proposed NPL listing during the public comment period. The Agency intends, as it must, to address the comments received by performing additional characterization of the sources of contamination at the Site.

As a procedural matter, the Agency is aware of the rulemaking requirements and heretofore has not acted in contradiction of the NPL listing process. Of course your client has the right to challenge any final Agency action, in the appropriate forum, when or if such a claim becomes ripe.

In the meantime, access to you client's property is indispensably necessary. Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1), provides that access may be obtained "*for the purposes of determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provision of the title*" (emphasis added). EPA has no objection to the modification of the consent form, forwarded to your office January 31, 2000 and again on February 1, 2000, so that your client can execute the same.

Very truly yours,


Ami Y. Antoine

Senior Assistant Regional Counsel

cc: Jennifer Chan

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